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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,967	09/25/2003	Jeffrey O. Saunders	VPI/98103DIV	7271
1473	7590	06/12/2006	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			KUMAR, SHAILENDRA	
			ART UNIT	PAPER NUMBER
			1621	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This office action is in response to applicants' communication filed on 3/20/06.

Claims 19-40 are pending in this application. Claims 21-35 and 37-40 stand withdrawn from the consideration, being drawn to the non elected invention.

Rejection of claims 19-20 and 36 under 35 USC 102(b) is hereby withdrawn subsequent to applicants' arguments and remarks.

Claim Rejections - 35 USC § 103

1. Claims 19-20 and 36 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Beaver et al, all for the reasons of record.

Applicants' arguments were fully considered and were not found argue. Applicants allege that Beaver et al do not teach pharmaceutical composition. The examiner disagrees. See the title wherein it is expressly teaching antiseptic composition, that is pharmaceutical composition, and that means they do have pharmaceutical activity. Alcohol and water are well known pharmaceutically acceptable carriers, absent evidence to the contrary.

Double Patenting

Claims 19-20 and 36 are again rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent No. 6,653,309, for the reasons of record. Although the conflicting claims are not identical, they are not patentably distinct from each other because the definition of X in the instant claims overlaps the corresponding definition in the patent. Also it is well known to add additional ingredient to any composition to treat a disease.

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2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

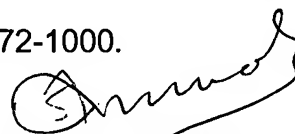
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA -. KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on (571)272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SHAIENDRA - KUMAR
Primary Examiner
Art Unit 1621

S.Kumar
6/8/06